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VIOLET BLUE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,
Plaintiff and Counter-defendant,
v.

ADA MAE JOHNSON a/k/a ADA
WOFFINDEN, an individual d/b/a
VIOLET BLUE a/k/a VIOLET a/k/a
VIOLET LUST; ASSASSIN PICTURES
INC., a California Corporation;
ASSASSINCASH.COM; BILL T. FOX,
an individual, a/k/a BILL FOX; FIVE
STAR VIDEO L.C., an Arizona Limited
Liability Company a/k/a Five Star Video
Distributors LLC d/b/a Five Star
Fulfillment; and DOES 1-10,

Defendants and Counter-claimants.

Case No. C 07-5370 SI

**DECLARATION OF BENJAMIN
COSTA IN SUPPORT OF PLAINTIFF
VIOLET BLUE'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

The Honorable Susan Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Hearing Date: May 9, 2008
Hearing Time: 9:00 a.m.

I, Benjamin Costa, do hereby declare and state:

1. I am a member of the State Bar of California, admitted to practice before this Court, an associate attorney of Vogele & Associates, and attorney of record for Plaintiff and movant Violet Blue ("Ms. Blue") herein. The facts contained in this declaration are known

1 personally to me and, if called as a witness, I could and would testify competently thereto under
2 oath.

3 2. Attached hereto as Exhibit **A** is a true and correct copy of the *Wall Street Journal*
4 article, "Now Playing on Apple's iTunes: Adult-Oriented Podcasts," dated July 22, 2005,
5 available at [http://online.wsj.com/public/article/SB112199964473193071-](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)
6 [wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)).

7 3. Attached hereto as Exhibit **B** is a true and correct copy of the *Forbes* article
8 authored by Ms. Blue entitled, "San Fran's Sexy Solo Scene," dated August 21, 2007, available
9 at [http://www.forbes.com/lifestyle/2007/08/21/san-francisco-dating-forbeslife-singles07-](http://www.forbes.com/lifestyle/2007/08/21/san-francisco-dating-forbeslife-singles07-cx_vb_0821sanfran.html)
10 [cx_vb_0821sanfran.html](http://www.forbes.com/lifestyle/2007/08/21/san-francisco-dating-forbeslife-singles07-cx_vb_0821sanfran.html).

11 4. Attached hereto as Exhibit **C** is a true and correct copy of an article authored by
12 Ms. Blue entitled "Eyes Wide Open" for *O: the Oprah Magazine*, dated July 2007.

13 5. Attached hereto as Exhibit **D** is a true and correct copy of the Internet Movie
14 Database referencing "alternate names" for "Violet Blue": "Ada Mae Johnson / Violet Lust /
15 Violet" available at <http://www.imdb.com/name/nm1013326/>

16 6. Attached hereto as Exhibit **E** is a true and correct copy of the Internet Archive
17 entry reflecting the Exotic Erotic Ball website where Defendant Woffinden's appearance under
18 the name "Violet Blue" at the 2006 Ball is advertised.

19 7. Attached hereto as Exhibit **F** is a true and correct copy of Ms. Blue's blog post "I
20 am teh real VB — I am all the Violet Blue you'll ever need" dated October 27, 2006, available at
21 [http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-](http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html)
22 [youll-ever-need.html](http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html).

23 8. Attached hereto as Exhibit **G** is a true and correct copy of an article entitled "The
24 Web Celeb 25," published by Forbes.com, and dated January 23, 2007, available at
25 [http://www.forbes.com/2007/01/23/internet-fame-celebrity-tech-media-](http://www.forbes.com/2007/01/23/internet-fame-celebrity-tech-media-cx_de_06webceleb_0123land.html)
26 [cx_de_06webceleb_0123land.html](http://www.forbes.com/2007/01/23/internet-fame-celebrity-tech-media-cx_de_06webceleb_0123land.html). Exhibit G also includes the specific page of the article
27 highlighting Ms. Blue as a "Web Celeb 25", published by Forbes.com, and available at
28

1 <http://www.forbes.com/2007/01/23/web-celeb-25-tech->
2 [media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000](http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000).

3 9. Attached hereto as Exhibit **H** is a true and correct copy of a Webpage reflecting
4 “This Week In Tech” (Episode 86) available at <http://twit.tv/86>.

5 10. Attached hereto as Exhibit **I** is a true and correct copy of an SFGate.com article
6 entitled “Violet Blue and the ‘Moose Lodge’,” dated February 2, 2007, available at
7 http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&entry_id=13187.

8 11. Attached hereto as Exhibit **J** is a true and correct copy of an email from D.
9 Pounder to Blue, dated October 6, 2007, produced with Blue’s Fed. R. Civ. P. 26(a)(1) disclosure
10 bearing production number VB 000096.

11 12. Attached hereto as Exhibit **K** are true and correct copies of advertisements for the
12 2007 Exotic Erotic Ball included in documents produced with Blue’s Fed. R. Civ. P. 26(a)(1)
13 initial disclosures bearing production numbers VB 000213-220.

14 13. Attached hereto as Exhibit **L** is a true and correct copy of a current Exotic Erotic
15 Ball advertisement for the 2008 Ball, including advertisement of an appearance by “Violet
16 Blue”) (available at <http://www.exoticeroticball.com/>).

17 14. Attached hereto as Exhibit **M** is a true and correct copy of a “Letter to the Editor”
18 dated November 3, 2007, sent by Defendant Woffinden announcing her name change to Violetta
19 Blue.

20 15. Attached hereto as Exhibit **N** is a true and correct copy of the front page of Ms.
21 Blue’s website, available at <http://www.tinynibbles.com/>.

22 16. Attached hereto as Exhibit **O** is a true and correct copy, redacted for public
23 viewing, of the homepage of Woffinden’s commercial website, <http://www.violetblue.org>, as it
24 appeared on October 19, 2007.

25 17. Attached hereto as Exhibit **P** is a true and correct copy of an email sent from
26 Defendant Woffinden’s to Plaintiff Blue’s email address dated October 23, 2007.

27 18. Attached hereto as Exhibit **Q** is a true and correct copy of a page at Wikipedia.org
28 detailing changes made to Defendant’s entry in the Wikipedia encyclopedia, dated April 3, 2008,

1 and available at

2 http://en.wikipedia.org/w/index.php?title=Violet_Blue_%28pornographic_actress%29&limit=50
3 [0&action=history](http://en.wikipedia.org/w/index.php?title=Violet_Blue_%28pornographic_actress%29&limit=50&action=history).

4 19. Attached hereto as Exhibit **R** is a true and correct copy of a page at Wikipedia.org
5 detailing user contributions originating from the IP address 63.231.16.186, dated April 3, 2008,
6 and available at <http://en.wikipedia.org/wiki/Special:Contributions/63.231.16.186>.

7 20. Attached hereto as Exhibit **S** is a true and correct copy of reverse-DNS lookup
8 information showing that the 63.231.16.186 IP originates from “shark.carpelaw.com”.

9 21. Attached hereto as Exhibit **T** is a true and correct copy of a webpage (redacted for
10 public) advertising the sale of the film “Kick Ass Chicks 50: Nerdy Girls,” featuring Defendant
11 Woffinden as “Violet Blue”, and which reflects a “Release Date” of “March 11, 2008”, dated
12 April 3, 2008, available at <http://dvds.kickass.com/cron.php?movie=453>.

13 22. Attached hereto as Exhibit **U** is a true and correct copy of the Jaded Video
14 website showing titles in which “Violet Blue” as appeared as of April 3, 2008, available at
15 <http://jadedvideo.com/VioletBlue>.

16 23. Attached hereto as Exhibit **V** is a true and correct copy of US Patent and
17 Trademark Office Registration No. 3,391,010 for the mark “VIOLET BLUE.”

18 24. Attached hereto as Exhibit **W** is a true and correct copy of the Wikipedia.org
19 “User Talk: Tabercil” webpage, as seen on April 3, 2008, appearing at
20 http://en.wikipedia.org/w/index.php?title=User_talk:Tabercil&diff=prev&oldid=187946326

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed this 3rd day of April, 2008, at San Francisco, California.

23
24 /S/

25 _____
26 Benjamin Costa
27
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